is even used, much less compromised. Consequently, the arguments advanced by Frontier and MCI must be parsed out and rejected.[51]

VI. THE COMMISSION SHOULD CLARIFY THAT "DURATION-OF-THE-CALL-ONLY" APPROVAL NEED NOT INCORPORATE "NINE-POINT" NOTIFICATION.

As GTE notes, Rule 64.2007(f)(2) imposes a highly specific, time-intensive and cumbersome CPNI notification process consisting of nine elements.[52] Moreover, the overall tone of the notification is intimidating and unnerving at best to consumers, leading with a "Miranda-like" requirement that the notification "must state that the customer has a right, and the carrier a duty, under federal law." SBC thus agrees with GTE that this process has no place in carriers' inbound call processes under Section 222(d)(3).

A customer's inbound call to their carrier reflects that customer's initiation of a process meant to timely and comprehensively address their telecommunications-related desire or need -- unencumbered by a requirement that "inconveniences as well as burdens the carrier-customer dialogue."[53] The multiple requirements of the "nine-point" notification process applicable to solicitations for "permanent" approval are neither expected nor needed where the

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[51]Nor is Section 222(b) implicated merely because an ILEC's use of CPNI stemming from its own relationship with the customer may be triggered by a CLEC's order to convert a customer to the CLEC's service. AT&T, at n. 3. The CLEC is authorized to place such an order only because the customer has authorized it to do so, as an agent (the customer of course could also place the order), and in no way does the resulting termination of the customer's relationship with the ILEC mean that the CPNI regarding service previously provided by the ILEC to the end-user customer should be forbidden to the ILEC's use. Neither the resulting fact of "disconnect for reason of switch" nor the CPNI regarding the ILEC's own service relationship with the customer constitute anything even remotely resembling proprietary information of "another carrier" under Section 222(b).

[52]GTE, at 40.

[53]CPNI Order, at ¶195.

customer has specifically called on the carrier for help, expecting it to use all information and other resources at its disposal to do so. Moreover, the time and resources expended in providing each customer nine-point notification would cause more than confusion and frustration. It would also clog carriers' incoming call channels where, collectively, perhaps millions of calls are received weekly, thus creating severe "accessibility" difficulties to customers who calls cannot be taken without significant "hold" time.

Nothing suggests that the Commission intended such results. For example, Rule 64.2007(f) recites that the carrier's notification must advise that approval remains valid "until the customer affirmatively revokes or limits" it. However, that notion has no meaning to an incoming call, wherein approval secured under Section 222(d)(3) suffices only "for the duration of the call."[54]

Moreover, the entirety of the discussion in the CPNI Order regarding notification appears not in connection with Section 222(d)(3), but within Part V of the order, captioned "'Approval' under Section 222(c)(1)." Yet, the order expressly recognized that "the inbound telemarketing exception in [S]ection 222(d)(3) offers a meaningful, specific right, different from the general 'approval' exception in [S]ection 222(d)(1)."[55] This right should not be defeated by a process that would in all practical effects read it out of the Act.

Consistent with GTE's suggestions, Section 222(d)(3) should reflect that carriers should be allowed to request that the customer grant them approval to use information about their local services (in the case of a LEC) to offer or recommend other services and products,

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[54]47 U.S.C. §222(d)(3).

[55]CPNI Order, ¶111.

without more. Customers are sufficiently knowledgeable to appreciate the nature of such a request without being meticulously cautioned about new "federal rights."

VII. WRITTEN NOTIFICATIONS SHOULD BE MADE PLAIN AND UNDERSTANDABLE, AND APPROVAL SHOULD BE OBTAINABLE BY EITHER WRITTEN OR ORAL MEANS FOLLOWING A NOTIFICATION WITHIN CUSTOMERS' BILLS.

In promulgating CPNI notification requirements, the Commission sought to ensure that customers may be fully informed about the use to which their CPNI might be put. For example, Rule 64.2007(f)(2)(ii) requires that the notification identify "the specific entities" that will receive CPNI, and "describe the purposes for which CPNI will be used." However, in a telecommunications world that is dynamic in the area of transactions -- where carriers might consummate mergers, acquisitions or other transactions among one another, or form, rearrange or dissolve various "line of business" affiliates -- these rules must be relaxed and made more flexible.

Requiring carrier notifications to specifically list all of the affiliated entities to which they would provide CPNI is unnecessary and "would confuse customers rather than inform them."[56] It would also be misleading given inter-company transactions (e.g., mergers, acquisitions, spin-offs) and intra-company realignments (e.g., formations of new affiliates;

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[56]GTE, at 43.

dissolution of others)[57] that are occurring virtually every day. New rounds of notices each time these circumstances occur can and should be avoided.

The Commission made clear that it contemplated "one-time" notification to customers, and the Commission should allow carriers sufficient latitude to execute this process without unnecessary, confusing and misleading impediments caused by such changing circumstances. Accordingly, the Commission should clarify that the "specific entities" requirement may be met by the carrier's advising customers that, with their approval, CPNI will be used and shared among the carrier's "family of companies," "associated companies," "affiliates," or the like. These terms are sufficiently understood by consumers and would provide carriers the latitude they require in order to avoid the prospect of needed recurring notifications.

Similarly, carrier notifications should be able to identify that the uses to which the carrier would put CPNI would be to offer them "products and services tailored to [their] needs," a disclosure already allowed by Rule 64.2007(f)(2)(vii). No more need be stated by the carrier. Indeed, any more specification would be unnecessarily burdensome and perhaps misleading depending upon the changing services and products that the carrier and its affiliates may offer at any particular time.

Finally, the Commission should clarify that written notification followed either by an oral or written solicitation for approval is appropriate given the Commission's conclusion that

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[57]There is no present indication in the telecommunications environment that inter-company transactions will cease anytime soon. Moreover, with respect to intra-company activity, the Commission is well aware that there is no regulatory reason why a BOC's CPE operations, to the extent they were once required to be housed in a separate affiliate, cannot be housed within the BOC itself (conversely, these CPE operations may still be placed within an affiliate, at the BOC's election). Similarly, approval of a BOC's Comparably Efficient Interconnection ("CEI") regarding enhanced services allows the BOC to choose between providing that service itself or through a CI-III affiliate.

carriers need only provide one-time notification to customers of their CPNI rights. As Frontier and GTE demonstrate, this clarification would significantly aid carriers' efforts to streamline the CPNI approval process without compromising consumers' understanding of their CPNI rights.[58]

Importantly, one adaptation of this clarification would be most advantageous to carriers and customers alike. For example, a written notification would alleviate the need for customer service representatives to expend considerable time in explaining CPNI rights, while providing a uniform message; oral solicitation would be customer specific, in that while in many cases it might take but a few moments, in other cases the customer might need a fuller explanation of what is being asked of him or her, in which case the oral medium would far superior to the written medium in addressing these customer-specific circumstances.

VIII. CONCLUSION

SBC respectfully urges the Commission to reconsider its CPNI Order and accompanying rules, and/or forbear from enforcing them, for the reasons stated herein, to better reflect a consumer-friendly CPNI regime within the parameters of the "total service relationship," without exorbitant costs to the telecommunications industry. It asks further that the Commission do so promptly in order to reduce the industry-wide consternation generated by the CPNI Order and accompanying rules.

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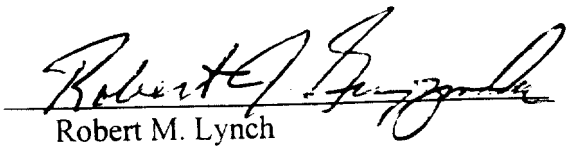
[58]Frontier, at 5-7; GTE, at 39.

Respectfully submitted,

SBC Communications Inc.

By 

Robert M. Lynch
Durward D. Dupre
Michael J. Zpevak
Robert J. Gryzmala

Attorneys for
SBC Communications Inc.

One Bell Center, Room 3532
St. Louis, Missouri 63101
(314) 235-2515

June 25, 1998

CERTIFICATE OF SERVICE

I, Katie Turner. hereby certify that the foregoing, "COMMENTS OF SBC COMMUNICATION INC. ON PETITIONS FOR RECONSIDERATION OF THE CPNI ORDER, AND ALTERNATIVE PETITION FOR FORBEARANCE OF SBC COMMUNICATIONS INC.," in CC Docket Nos. 96-115 and 96-149 have been filed this 25th day of June, 1998 to the Parties of Record.

Katie Turner

Katie Turner

June 25, 1998

ITS INC
1231 20TH STREET
GROUND FLOOR
WASHINGTON, DC 20036

JANICE MYLES
FEDERAL COMMUNICATIONS COMMISSION
COMMON CARRIER BUREAU
1919 M STREET RM 544
WASHINGTON DC 20544

IRWIN A POPOWSKY
CONSUMER ADVOCATE
OFFICE OF ATTORNEY GENERAL
1425 STRAWBERRY SQUARE
HARRISBURG PA 17120

ANTHONY J GENOVESI
LEGISLATIVE OFFICE BLDG
ROOM 456
ALBANY NY 12248-0001

CHARLES H HELEIN
GENERAL COUNSEL
HELEIN & ASSOCIATES
COUNSEL FOR AMERICAS
TELECOMMUNICATIONS ASSOC
8180 GREENSBORO DR STE 700
MCCLEAN VA 22102

KENNETH RUST
DIRECTOR
NYNEX GOVERNMENT AFFAIRS
1300 I ST STE 400 W
WASHINGTON DC 20005

SAUL FISHER
NYNEX TELEPHONE COMPANIES
1095 AVENUE OF THE AMERICAS
NEW YORK NY 10036

THEODORE CASE WHITEHOUSE
WILLKIE FARR & GALLAGHER
COUNSEL FOR ASSOCIATION OF DIRECTORY
PUBLISHERS
1155 21ST ST NW
WASHINGTON DC 20036

DAVID L MEIER
DIRECTOR
CINCINNATI BELL TELEPHONE
201 E FOURTH ST
CINCINNATI OH 45201-2301

DAVID A GROSS
AIRTOUCH COMMUNICATIONS INC
1818 N STREET NW STE 800
WASHINGTON DC 20036

ALBERT HALPRIN
HALPRIN TEMPLE GOODMAN & SUGRUE
COUNSEL FOR YELLOW PAGES PUBLISHERS ASSOC
1100 NEW YORK AVE NW STE 650E
WASHINGTON DC 20005

KATHYRN MARIE KRAUSE
U S WEST INC
1020 19TH ST NW STE 700
WASHINGTON DC 20036

DANNY E ADAMS
KELLEY DRYE & WARREN LLP
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

MARK C ROSENBLUM
AT&T CORP
295 NORTH MAPLE AVE RM 3245I1
BASKING RIDGE NJ 07920

GLEN S RABIN
FEDERAL REGULATORY COUNSEL
ALLTEL TELEPHONE SERVICES CORPORATION
655 15TH ST NW STE 200
WASHINGTON DC 20005

JUDITH ST LEDGER-ROTY
REED SMITH SHAW & MCCLAY
1301 K ST NW STE 1100 EAST TOWER
WASHINGTON DC 20005-3317

DENNIS C BROWN
BROWN AND SCHWANINGER
SMALL BUSINESS IN TELECOMMUNICATIONS
1835 K STREET NW STE 650
WASHINGTON DC 20006

CARL W NORTHROP
PAUL HASTINGS JANOFSKY & WALKER
COUNSEL FOR ARCH COMMUNICATIONS GROUP
1299 PENNSYLVANIA AVE NW 10TH FL
WASHINGTON DC 20004-2400

LARRY SARJEANT
UNITED STATES TELEPHONE ASSOCIATION
1401 H ST NW STE 600
WASHINGTON DC 20005

ANDREW D LIPMAN
SWIDLER & BERLIN
COUNSEL FOR MFS COMMUNICATIONS CO
3000 K ST NW STE 300
WASHINGTON DC 20007

BRADLEY STILLMAN
COUNSEL FOR
CONSUMER FEDERATION OF AMERICA
1424 16TH ST NW SUITE 604
WASHINGTON DC 20036

CATHERINE R SLOAN
WORLDCOM INC
d/b/a LDDS WORLDCOM
1120 CONNECTICUT AVE NW
SUITE 400
WASHINGTON DC 20036

CHARLES C HUNTER
HUNTER & MOW PC
COUNSEL FOR TELECOMMUNICATIONS
RESELLERS ASSOCIATION
1620 I ST NW STE 701
WASHINGTON DC 20006

PETER ARTH, JR.
MARY MAC ADU
PEOPLE OF THE STATE OF CALIFORNIA AND
THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA
505 VAN NESS AVE
SAN FRANCISCO CA 94102

RANDOLPH J MAY
SUTHERLAND ASBILL & BRENNAN
COUNSEL FOR COMPUSERVE INC
1275 PENNSYLVANIA AVE NW
WASHINGTON DC 20004-2404

INTELCOM GROUP (USA) INC
CINDY Z SCHONHAUT
VICE PRESIDENT GOVERNMENT AFFAIRS
9605 EAST MAROON CIRCLE
ENGLEWOOD CO 80112

THE BELL ATLANTIC TELEPHONE
COMPANIES
LAWRENCE W KATZ
1320 NORTH COURT HOUSE ROAD
EIGHTH FLOOR
ARLINGTON VA 22201

AMERITECH
MICHAEL S PABIAN
2000 WEST AMERITECH CENTER DRIVE
RM 4H82
HOFFMAN ESTATES IL 60196

BELLSOUTH CORPORATION
M ROBERT SUTHERLAND
A KIRVEN GILBERT III
SUITE 1700
1155 PEACHTREE STREET NE
ATLANTA GA 30309-3610

AMERICAN PUBLIC COMMUNICATIONS
COUNCIL
ALBERT H KRAMER
ROBERT F ALDRICH
DICKSTEIN SHAPIRO & MORIN LLP
2101 L STREET NW
WASHINGTON DC 20554

MARK J GOLDEN
VICE PRESIDENT OF INDUSTRY AFFAIRS
PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
500 MONTGOMERY STREET
SUITE 700
ALEXANDRIA VA 22314-1561

JONATHAN E CANIS
REED SMITH SHAW & MCCLAY
1301 K STREET NW
SUITE 1100 EAST TOWER
WASHINGTON DC 20005

GTE SERVICE CORPORATION
GAIL L POLIVY
1850 M STREET NW
WASHINGTON DC 20036

GTE SERVICE CORPORATION
RICHARD MCKENNA
600 HIDDEN RIDGE
IRVING TEXAS 75015

CABLE & WIRELESS INC
ANN P MORTON
8219 LEESBURG PIKE
VIENNA VIRGINIA 22182

TELEPORT COMMUNICATIONS GROUP INC
TERESA MARRERO
SENIOR REGULATORY COUNSEL
ONE TELEPORT DRIVE SUITE 300
STATEN ISLAND NY 10310

SPRINT CORPORATION
JAY C KEITHLEY
LEON M KESTENBAUM
MICHAEL B FINGERHUT
1850 M STREET NW 11TH FLOOR
WASHINGTON DC 20036

MICHAEL J SHORTLEY III
FRONTIER CORPORATION
180 SOUTH CLINTON AVENUE
ROCHESTER NY 14646

EXCEL TELECOMMUNICATIONS INC
J CHRISTOPHER DANCE
VICE PRESIDENT LEGAL AFFAIRS
KERRY TASSOPOULOS
DIRECTOR OF GOVERNMENT AFFAIRS
9330 LBJ FREEWAY
SUITE 1220
DALLAS TEXAS 75243

THOMAS K CROWE
LAW OFFICES OF THOMAS K CROWE P.C.
COUNSEL FOR
EXCEL TELECOMMUNICATIONS INC
2300 M STREET NW
SUITE 800
WASHINGTON DC 20037

INFORMATION TECHNOLOGY ASSOCIATION
OF AMERICA
JOSEPH P MARKOSKI
MARC BEREJKA
SQUIRE SANDERS & DEMPSEY
1201 PENNSYLVANIA AVENUE NW
P O BOX 407
WASHINGTON DC 20044

MCI TELECOMMUNICATIONS CORPORATION
FRANK W KROGH
DONALD J ELARDO
1801 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

JOSEPH R ASSENZO
GENERAL ATTORNEY
FOR SPRINT SPECTRUM LP
d/b/a SPRINT PCS
4900 MAIN ST 12TH FLOOR
KANSAS CITY MO 64112

PHILIP L MALET
JAMES M TALENS
STEPTOE & JOHNSON LLP
COUNSEL FOR IRIDIUM NORTH AMERICA
1330 CONNECTICUT AVE NW
WASHINGTON DC 20036

DANNY E ADAMS
STEVEN A AUGUSTINO
KELLEY DRYE & WARREN LLP
COUNSEL FOR ALARM INDUSTRY
COMMUNICATIONS COMMITTEE
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

JONATHAN E CANIS
KELLEY DRYE & WARREN LLP
COUNSEL FOR INTERMEDIA
COMMUNICATIONS INC
1200 NINETEENTH ST NW STE 500
WASHINGTON DC 20036

MICHAEL F ALTSCHUL
VICE PRESIDENT GENERAL COUNSEL
CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION
1250 CONNECTICUT AVE NW STE 200
WASHINGTON DC 20036

WILLIAM L ROUGHTON JR
PRIMECO PERSONAL COMMUNICATIONS LP
601 13TH ST NW STE 320 SOUTH
WASHINGTON DC 20005

PETER M CONNOLLY
KOTEEN & NAFTALIN
UNITED STATES CELLULAR CORPORATION
1150 CONNECTICUT AVE NW
WASHINGTON DC 20036

JAMES J HALPERT
MARK J OCONNOR
PIPER & MARBURY LLP
1200 19TH ST NW
SEVENTH FLOOR
WASHINGTON DC 20036

CHERYL A TRITT
JAMES A CASEY
MORRISON & FOERSTER LLP
COUNSEL FOR 360° COMMUNICATIONS COMPANY
2000 PENNSYLVANIA AVE NW STE 5500
WASHINGTON DC 20006-1888

STEPHEN G KRASKIN
KRASKIN LESSE & COSSON LLP
THE RURAL CELLULAR ASSOCIATION
2120 L STREET NW STE 520
WASHINGTON DC 20037

RAYMOND G BENDER JR
DOW LOHNES & ALBERTSON PLLC
1200 NEW HAMPSHIRE AVE NW
SUITE 800
WASHINGTON DC 20036

OFFICE OF CONSUMER ADVOCATES
C/O PHILIP MCCLELLAND
555 WALNUT STREET
FORUM PLACE FIFTH FLOOR
HARRISBURG PA 17101-1921

ROBERT W MCCAUSLAND
VICE PRESIDENT-REGULATORY AND INTERCONNECTION
ALLEGIANCETELECOM INC
1950 N STEMMONS FREEWAY
SUITE 3026
DALLAS TX 75207

RAYMOND G BENDER JR
DOW LOHNES & ALBERTSON PLLC
1200 NEW HAMPSHIRE AVE NW
SUITE 800
COUNSEL FOR
VANGUARD CELLULAR SYSTEMS INC
WASHINGTON DC 20036

ROBERT HOGGARTH
SENIOR VICE PRESIDENT PAGING AND MESSAGING
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION
500 MONTGOMERY STREET STE 700
ALEXANDRIA VA 22314-1561

PAMELA J RILEY
DAVID A GROSS
AIRTOUCH COMMUNICATIONS INC
1818 N STREET NW STE 800
WASHINGTON DC 20036

JAMES J HALPERT
MARK J OCONNOR
OMNIPOINT COMMUNICATIONS INC.
PIPER & MARBURY LLP
1200 19TH ST NW
SEVENTH FLOOR
WASHINGTON DC 20036

GLENN S RABIN
ALLTEL COMMUNICATIONS INC
655 15TH ST NW STE 220
WASHINGTON DC 20005

L MARIE GUILLORY
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION
2626 PENNSYLVANIA AVE NW
WASHINGTON DC 20037

S MARK TULLER
VICE PRESIDENT SECRETARY AND GENERAL COUNSEL
BELL ATLANTIC MOBILE INC
180 WASHINGTON VALLEY ROAD
BEDMINSTER NJ 07921

G EDWARD EVANS
PRESIDENT AND CHIEF OPERATING OFFICER
DOBSON CELLULAR SYSTEMS INC
13439 NORTH BROADWAY EXTENSION
OKLAHOMA CITY OK 73114

JEFFREY E SMITH
SENIOR VICE PRESIDENT AND GENERAL COUNSEL
COMCAST CELLULAR COMMUNICATIONS INC
480 E SWEDESFORD ROAD
WAYNE PA 19087

BRAD E MUTSCHELKNAUS
STEVEN A AUGUSTINO
KELLEY DRYE & WARREN LLP
COUNSEL FOR LCI INTERNATIONAL TELECOM CORP
1200 19TH ST NW STE 500
WASHINGTON DC 20036

FREDERICK M JOYCE
CHRISTINE MCLAUGHLIN
JOYCE & JACOBS
COUNSEL FOR METROCALL INC
1019 19TH ST NW
FOURTEENTH FLOOR - PH 2
WASHINGTON DC 20036

JUDITH ST LEDGER-ROTY
PAUL G MADISON
KELLEY DRYE & WARREN LLP
PAGING NETWORK INC
1200 19TH ST NW STE 500
WASHINGTON DC 20036

BENJAMIN H DICKENS JR
GERARD J DUFFY
BLOOSTON MORDKOFSKY JACKSON & DICKENS
COUNSEL FOR COMMNET CELLULAR INC
2120 L STREET NW STE 300
WASHINGTON DC 20037

MARGOT SMILEY HUMPHREY
KOTEEN & NAFTALIN LLP
COUNSEL FOR TDS TELECOMMUNICATIONS CORPORATION
1150 CONNECTICUT AVE NW STE 1000
WASHINGTON DC 20036

ROBERT J AAMOTH
STEVEN A AUGUSTINO
KELLEY DRYE & WARREN LLP
COUNSEL FOR COMPETITIVE TELECOMMUNICATIONS ASSOCIATION
1200 19TH ST NW STE 500
WASHINGTON DC 20036